

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEVEN ROMIG,)	
)	Civil Action
Plaintiff)	No. 06-CV-05309
)	
vs.)	
)	
NORTHAMPTON COUNTY DEPARTMENT)	
OF CORRECTIONS;)	
COUNTY OF NORTHAMPTON;)	
NORTHAMPTON COUNTY CORRECTIONS)	
OFFICER'S DISTRICT COUNCIL 88)	
AND LOCAL 2549 AMERICAN)	
FEDERATION OF STATE, COUNTY,)	
LOCAL AND MUNICIPAL EMPLOYEES)	
AFL-CIO; and)	
JOSE GARCIA, an Adult Individual,)	
)	
Defendants)	

O R D E R

NOW, this 21st day of March, 2008, upon consideration
of the following motions and documents:

- (1) Motion of Certain Defendants to Dismiss in Part Plaintiff's First Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6), which motion was filed July 10, 2007 on behalf of defendants Northampton County Department of Corrections, County of Northampton, and Jose Garcia, together with

Response to Motion of Certain Defendants to Dismiss in Part Plaintiff's First Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6), which response was filed July 24, 2007 on behalf of plaintiff; and
- (2) Defendant Northampton County Corrections Officer's District Council 88, Local 2549, American Federation of State, County, Local and Municipal Employees, AFL-CIO's Motion to Dismiss for Failure to State a Claim Pursuant to Rule 12(b)(6) of Federal Rule of Civil Procedure, or, in the Alternative, Motion for

Summary Judgment Pursuant to Rule 56 of the Federal Rules of Civil Procedure, which motion was filed July 13, 2007, together with

Plaintiff's Response to Defendant Northampton County Corrections Officer's District Council 88, Local 2549, American Federation of State, County, Local and Municipal Employees, AFL-CIO's Motion to Dismiss for Failure to State a Claim Pursuant to Rule 12(b)(6) of Federal Rule of Civil Procedure, or, in the Alternative, Motion for Summary Judgment Pursuant to Rule 56 of the Federal Rules of Civil Procedure, which response was filed July 26, 2007 on behalf of plaintiff;

upon consideration of the briefs of the parties; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that the Motion of Certain Defendants to Dismiss in Part Plaintiff's First Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) is granted in part and denied in part.

IT IS FURTHER ORDERED that Defendant Northampton County Corrections Officer's District Council 88, Local 2549, American Federation of State, County, Local and Municipal Employees, AFL-CIO's Motion to Dismiss for Failure to State a Claim Pursuant to Rule 12(b)(6) of Federal Rule of Civil Procedure, or, in the Alternative, Motion for Summary Judgment Pursuant to Rule 56 of the Federal Rules of Civil Procedure is granted in part and dismissed in part as moot.

IT IS FURTHER ORDERED that to the extent defendant Northampton County Corrections Officer's District Council 88, Local 2549, American Federation of State, County, Local and Municipal Employees, AFL-CIO's ("Union") motion seeks dismissal of Count IV of plaintiff's First Amended Complaint filed July 3, 2007, the motion is granted.

IT IS FURTHER ORDERED that because defendant Union's motion to dismiss has been granted, its alternative motion for summary judgment is dismissed as moot.

IT IS FURTHER ORDERED that all claims against the Northampton County Department of Corrections are dismissed.

IT IS FURTHER ORDERED that Counts II, IV, VI and VII of plaintiff's First Amended Complaint are dismissed in their entirety.

IT IS FURTHER ORDERED that Count III of plaintiff's First Amended Complaint is dismissed against the County of Northampton.

IT IS FURTHER ORDERED that to the extent Count V of plaintiff's First Amended Complaint alleges a claim for wrongful termination, Count V is dismissed.

IT IS FURTHER ORDERED that Northampton County Department of Corrections and Northampton County Corrections Officer's District Council 88, Local 2549, American Federation of

State, County, Local and Municipal Employees, AFL-CIO are dismissed as defendants in this matter.

IT IS FURTHER ORDERED that in all other respects not inconsistent with this Order and the accompanying Opinion, the Motion of Certain Defendants to Dismiss in Part Plaintiff's First Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b) (6) is denied.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge